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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,217	03/24/2004	Thomas Nelson Hines	PA4-3006	3928
40989	7590	05/17/2006	EXAMINER	
ROBERT J. SAYFIE, P.C. 161 OTTAWA AVENUE NW, SUITE 407 GRAND RAPIDS, MI 49503			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,217	<b>Applicant(s)</b> HINES, THOMAS NELSON	
	<b>Examiner</b> DARYL C. POPE	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 and 17 is/are rejected.
- 7) ☒ Claim(s) 5, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kail, IV(6,940,403).

-- In considering claim 1, the claimed subject matter that is met by Kail IV, et al(Kail) includes:

- 1) the deployable alert unit having a housing is met by the portable monitoring unit(12) including housing(not shown);
- 2) the transceiver in the housing is met by the transceiver(26);
- 3) the activate-able alert input means electrically connected to the transceiver is met by the manual input device(32) which is connected to the transceiver;
- 4) the location identification means is met by the location determining device(38);

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5) the alert output means is met by the display(54) of the terminal(52) which receives signals from the monitoring unit(12) when an alarm is activated(see: column 5, lines 37-55).

-- With regards to claim 2, the alert broadcast receiving means for receiving data and identity sent by the alert input means is met by the second transceiver(50) receiving signals from the monitoring unit(12), and the signal including alert data and location(see: column 5, lines 36-64).

-- With regards to claim 3, the location identification means consisting of a global positioning system is met(see: column 5, lines 57-60).

-- With regards to claim 4, the alert input means being a button is met by the manual input device(32) being a push button(see: column 4, lines 50-52).

-- With regards to claims 6-7, the local alert unit is met by the display(54).

-- Claim 8 is met by the transceivers(26) communicating via communication link(16).

-- Claim 9 recites subject matter that is met as discussed in claim 1.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kail, IV et al(Kail).

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-- With regards to claims 10-14, although not specifically shown by Kail, the examiner takes Official Notice that in the mobile communications art, use of mobile communication means having cellular antennae fixedly secured and extending away from a housing and being connected to a transceiver is well known. As well, means to select optimum transceivers, housings having handle portions, and as well the housing being hermetically sealed is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above stated features into the system of Kail, since Kail already teaches the monitoring unit(12) being some form of mobile communication means which utilizes cellular communication, which therefore would have readily received the above stated well known features which would have aided communication of data in the system. Furthermore, it would have also been obvious to one of ordinary skill in the art at the time the invention was made to hermetically seal the housing of the unit(12) of Kail, since a hermetically sealed housing would have been advantageous in the system of Kail, since the unit(12) would have been exposed to elements which may have damaged circuitry in the device.

-- With regards to claim 17, although not specifically shown by Kail, it would have been obvious that the monitoring device(14) would have included system software, since Kail teaches that applications software received from the monitoring device(14) controls the unit(12)(see: column 8, lines 1-5), which therefore would have required system software to be included in the device(14) itself.

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***Allowable Subject Matter***

6. Claims 5, and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claim 18 is allowed.

**REMARKS:**

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

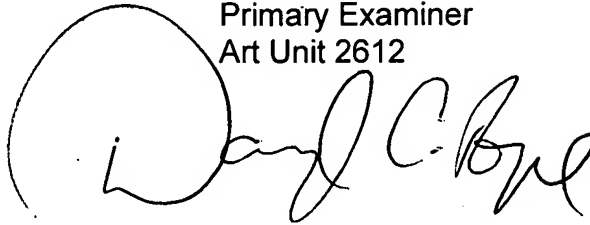
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

May 11, 2006

DARYL C POPE  
Primary Examiner  
Art Unit 2612

A handwritten signature in black ink, appearing to read "Daryl C. Pope". The signature is written in a cursive style with a large, prominent loop at the beginning of the first name.